

NOV 20 2007

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LUIS RAMIREZ HERRERA,

Defendant - Appellant.

No. 06-50188

D.C. No. CR-02-00960-TJH-02

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Terry J. Hatter, Jr., Chief District Judge, Presiding

Submitted October 22 2007^{**}

Before: B. FLETCHER, WARDLAW, and IKUTA, Circuit Judges.

Luis Ramirez Herrera appeals from the district court's decision that it would not have imposed a materially different sentence, following a stipulated remand under *United States v. Ameline*, 409 F.3d 1073 (9th Cir. 2005) (en banc).

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Herrera's counsel has filed a brief stating that he finds no meritorious issues for review, along with a motion to withdraw as counsel of record. We have provided the appellant an opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Our examination of the briefs and our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83-84 (1988), disclose no arguable issues for review on direct appeal.

Accordingly, we **GRANT** counsel's motion to withdraw and **AFFIRM** the district court's decision.